

Practitioner's Docket No.: 1287.02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 23 2003

OFFICE OF PETITIONS

In re application of: **Marshall R. Moore**
Application No.: **09/682,168**
Filed: **07/31/2001**
For: **Foam Insulated Fuel Tank**

Group No.: 3727
Examiner: **Stephen J. Castellano**
Confirmation No.: 2164

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY
(37 C.F.R. § 1.137(b))**

1. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. A Notice of Abandonment under 37 C.F.R. § 1.53 (f) or (g) was mailed on June 18, 2003. Applicant hereby petitions for revival of this application.

2. Attachments

Attached is:

- (a) Notice of Abandonment under 37 C.F.R. 1.53 (f) or (g).
- (b) A statement from the Applicant that the entire delay was unintentional.
- (c) The reply to the above-noted Office Action.

4. Fee Payment

37 C.F.R. § 1.17(m)	\$1,330.00	(petition fee)
37 C.F.R. § 1.17 (a)(1-3)	\$1,480.00	(extension fees)

5. The fee required is paid as follows:

[X] Enclosed is a check for \$ 2,810.00.

12/19/2003 YPOLITE1 00000003 09968168

01 FC:1453

1330.00 OP

12/19/2003 YPOLITE1 00000003 09968168

02 FC:1254

1480.00 OP

12/19/2003 YPOLITE1 00000027 09682168

01 FC:1453
02 FC:1254

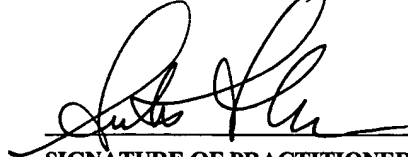
1330.00 OP
1480.00 OP

Adj. Justice date: 07/27/2004 AKELLEY 09682168
12/19/2003 YPOLITE1 00000027 -1480.00 OP
02 FC:1254

Refund Ref: 07/27/2004 AKELLEY 0000137773
CHECK Refund Total: \$1880.00

Very respectfully,

SMITH & HOPEN, P.A.



SIGNATURE OF PRACTITIONER

Anton J. Hopen

Smith & Hopen, P.A.

15950 Bay Vista Drive

Suite 220

Clearwater, FL 33760

Reg. No.: 41,849

Tel. No.: (727) 507-8558

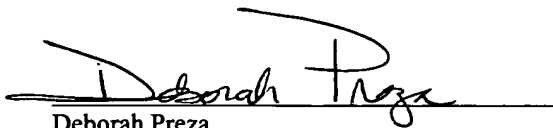
Customer No.: 21, 901

CERTIFICATE OF MAILING

(37 C.F.R. 1.10)

I HEREBY CERTIFY that this petition is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Mailing Label No. **EL992692976US**, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2003.

Date: December 17, 2003


Deborah Preza

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Notice of Abandonment

Application No.

09/682,168

Examiner

Stephen J. Castellano

Applicant(s)

MOORE, MARSHALL R.

Art Unit

3727

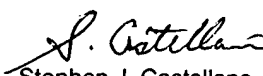
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

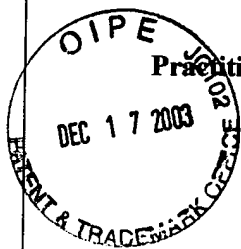
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 6/14/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 13 August 2002, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Stephen J. Castellano
Primary Examiner
Art Unit: 3727

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Application No.: **09/682,168**
Filed: **07/31/2001**
For: **Foam Insulated Fuel Tank**

Group No.: 3727
Examiner: **Stephen J. Castellano**
Confirmation No.: 9029

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P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT
(37 C.F.R. § 1.137(b))

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

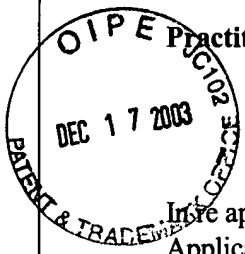
I declare further that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or document and any registration resulting therefrom.

Date:

15 Dec 03



Marshall R. Moore



Practitioner's Docket No.: 1287.02

12-18-03
DAC #
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TRANSMITTAL

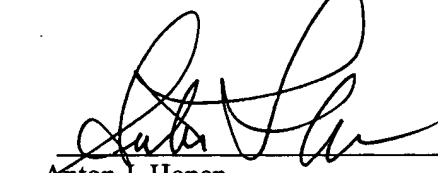
Sir:

Enclosed please find:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally having a Certificate of Mailing under 37 CFR § 1.10, dated December 17, 2003.

Very respectfully,

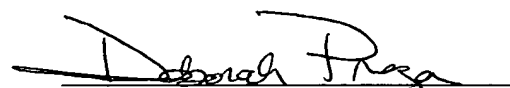
SMITH & HOPEN, P.A.


Anton J. Hopen
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

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(37 C.F.R. § 1.10)

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Date: **December 17, 2003**


Deborah Preza